

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AES NEWENERGY, INC.,	:	
Plaintiff	:	
	:	Civil Action No. 02-CV-2733
v.	:	
	:	JURY TRIAL DEMANDED
POWERWEB TECHNOLOGIES, INC.,	:	
Defendant.	:	

**RESPONSE BY POWERWEB TECHNOLOGIES, INC.**  
**IN OPPOSITION TO PRAECIPE BY AES NEWENERGY INC.**  
**FOR ENTRY OF DEFAULT JUDGMENT**

Powerweb Technologies, Inc. ("Powerweb") hereby responds to AES NewEnergy, Inc.'s ("NewEnergy") defective Praecipe for Entry of Default Judgment.

1. It is admitted only that NewEnergy filed an Amended Complaint in this case seeking alleged damages \$100,000, plus interest. The remaining averments of this paragraph are denied.

2. Denied.

3. Admitted.

4. Admitted.

5. Admitted that, on August 7, 2002, the Court signed an Order denying Powerweb's motion to dismiss NewEnergy's Amended Complaint. It is denied that a copy of the Order is attached to NewEnergy's Praecipe for Entry of Default Judgment as Exhibit "B."

6. Powerweb is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph, and therefore those averments are denied. Powerweb's counsel does not have a record of receiving a copy of the Court's order *via*

facsimile. Nevertheless, even assuming that counsel for Powerweb received the Court's Order on August 8, 2002, Powerweb's Answer, Affirmative Defenses, and Counterclaims was filed well within the time prescribed by the Federal Rules of Civil Procedure.

7. Denied. Pursuant to Rule 6 of the Federal Rules of Civil Procedure, Powerweb's responsive pleading was not due until, at the very earliest, after August 21, 2002.

8. Admitted.

9. Admitted.

10. Admitted. A default has not been entered in this matter, and therefore, NewEnergy's request for a judgment by default is premature.

11. Admitted. Powerweb had appeared in this case on at least four (4) occasions prior to the filing of the Praecipe for Entry of Default. Thus, NewEnergy's request to the Clerk for the entry of a default judgment is procedurally defective.

12. Denied.

13. It is denied that Powerweb owes NewEnergy any sum of money.

WHEREFORE, Powerweb respectfully requests that this Court deny NewEnergy's defective Praecipe for Entry of Default Judgment.

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Joseph F. O'Dea, Jr., Esquire  
Nicholas J. Nastasi, Esquire  
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Attorneys for Powerweb Technologies, Inc.

Date: August 26, 2002

**CERTIFICATE OF SERVICE**

I, Nicholas J. Nastasi, hereby certify that a true and correct copy of the foregoing Response in Opposition to Praecipe for Entry of Default Judgment was served this date, via first-class mail, upon the following counsel of record:

Joel M. Sweet  
Wolf, Block, Schorr and Solis-Cohen, LLP  
1650 Arch St., 22nd Floor  
Philadelphia, PA 19102

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Nicholas J. Nastasi

Date: August 26, 2002